2026:AHC-LKO:39312-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - A No. - 5676 of 2026

State Of U.P. Thru. Addl. Chief Secy. Planning Deptt. Lko. .....Petitioner(s)

Versus

Rashmi .....Respondent(s)

Counsel for Petitioner(s)	:	C.S.C.
Counsel for Respondent(s)	:	

Court No. - 5

HON'BLE ALOK MATHUR, J.
HON'BLE AMITABH KUMAR RAI, J.

1. Heard Shri Anand Kumar Singh, learned Standing Counsel representing the State-petitioner.

2. By means of the present writ petition, the petitioner has challenged the judgment and order dated 08.12.2025 passed by U.P. Public Service Tribunal, Indira Bhawan, Lucknow (hereinafter referred to as **"Tribunal"**) in Claim Petition No.338 of 2021, whereby the claim petition preferred by the respondent was allowed and the punishment order passed against her dated 06.11.2019 was quashed.

3. It has been submitted on behalf of the petitioner that the respondent was initially appointed in July 1992 to the post of Economic and Statistics Officer and was further promoted to the post of Deputy Director (Economic and Statistics Division) in November 2012. During her tenure in the Saharanpur Division, she made a Facebook post which was commented upon and published in Dainik Jagran on 04.02.2018 under the heading *"Now dispute over woman officer's post"*. On the basis of this post, a chargesheet was issued to the respondent on 28.02.2018 stating that the post amounted to a criticism of the Government, which was a misconduct under the U.P. Government Servant's Conduct Rules, 1956 (hereinafter referred to as **"Rules, 1956"**), specifically Rule 7 and she was asked to respond within seven days.

4. The respondent submitted a detailed reply on 21.03.2018 stating that the newspaper did not carry her exact post and raised several grounds, further stated that a perusal of the entire comment would show that she had not criticized or passed any comment against the working of the Government. Consequently, the comment would not fall within the purview of Rule 7 of the Rules, 1956. After considering the reply, the enquiry officer submitted his report on 12.04.2018 stating that the charge against the petitioner was proved. A copy of the enquiry report was submitted to the respondent for comments, to which she responded on 07.06.2018 and submitted a supplementary representation on 20.08.2018. By the punishment order dated 06.11.2019, after concurrence of the Public Service Commission, Praygraj, the punishment of permanent withholding of two increments along with a censure was imposed upon the respondent. Against the punishment order dated 06.11.2019, a representation was made to the State Government and during the pendency of the said representation, the respondent filed a claim petition before the Tribunal.

5. According to the petitioner, the respondent committed serious misconduct by criticizing the Government and she was therefore punished by the order dated 06.11.2019. It was further submitted that the disciplinary proceedings followed the Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999 correctly and that the Tribunal had wrongly interfered in the matter, seeking the setting aside of the impugned judgment of the Tribunal dated 08.12.2025.

6. We have heard the counsel for the petitioner, perused the records, and given anxious consideration to the charge levelled against the respondent by means of the chargesheet dated 28.02.2018. We find that only a single charge was levelled against the respondent, which was based on the newspaper clipping published in the local daily newspaper "Dainik Jagran". In that publication, reference was made to the comments made by the respondent on her Facebook account regarding a Tiranga rally having been taken out on the streets of Saharanpur on the occasion of Dr. Amebedkar Jayanti. It was stated that in the said rally, Dr. Ambedkar was missing and had probably been overtaken by the "Bhagwa Rang". These comments were construed as criticism of the Government and disciplinary proceedings were initiated.

7. In response to the chargesheet, the respondent clearly stated that, firstly, the article published in Dainik Jagran did not correctly depict her Facebook post; secondly, the comment was not related to the Government and did not affect the law and order; and thirdly, if her comment had been misrepresented by the newspaper, the responsibility lay with the newspaper. It was further clearly stated that in the publication on 04.12.2018 did not correctly depict her comments.

8. Despite receiving the reply, the authorities did not even bother to take on record the original Facebook comments made by the respondent but continued to proceed on the basis of the newspaper article. Once the respondent had dissociated herself from the comments, it was incumbent upon the authorities during the enquiry to verify the actual Facebook comments before proceeding to pass the order of punishment. Even otherwise, upon reviewing the article, we find that the respondent merely commented on the absence of Dr. Ambedkar in the rally. We fail to see how this comment would amount to criticizing the Government, especially as there was no reference to the Government or any policies, and the rally of which the mention has been made was a private rally known as "Tiranga Rally" having no affiliation or connection with Government or any of its agencies.

9. Accordingly, it is in this view of the matter that the Tribunal has also tested the order of punishment against the relevant rules and also considered various judgments in this regard. We approve the findings of the Tribunal, which relied upon the judgment of Hon'ble Supreme Court in the case of **J. Ashoka vs. Krishi Vigyan University** reported in **(2017) 2 SCC 609**, which states that reasons are the links between the material on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject-matter for a decision, whether it is purely administrative or quasi-judicial. Reasons should reveal a rational nexus between the facts considered and the conclusions reached. Only in this way can opinions or directions recorded be shown to be manifestly just and reasonable.

10. Accordingly, the enquiry officer, having not even considered the reply of the respondent while submitting the enquiry report and subsequently, the

disciplinary authority, not having considered any of the aspects raised by the respondent in her defence, clearly indicate that the impugned order of punishment was passed without any application of mind, apart from the fact that the comments do not disclose the commission of misconduct under the Rules, 1956.

11. In light of the above, we do find any infirmity in the impugned judgment of the Tribunal. The petition is devoid of merits and is accordingly **dismissed**.

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)

May 29, 2026
Shubhankar

Digitally signed by :-
SHUBHANKAR THAKUR
High Court of Judicature at Allahabad,
Lucknow Bench